

Enforcement Update
Report by Head of Development Management

Summary: This table shows the monthly updates on enforcement matters.

Recommendation: That the report be noted.

1 Introduction

1.1 This table shows the monthly update report on enforcement matters.

Committee Date	Location	Infringement	Action taken and current situation
7 December 2007	South side of Thorpe Island (New Cut)	Unauthorised mooring of vessels	<ul style="list-style-type: none"> • Authorisation to serve any necessary notices following legal advice • Site meeting with Network rail on the 9 April 2010 • Authorisation to take enforcement action following legal advice • Network Rail have been provided boat owner details under Data Protection Act and are writing directly to those concerned • 22 July 2010 Network Rail advises that procedures are underway to send out notices to quit the land • Network Rail issued Trespass Notices w/c 22 November 2010 • Network Rail re-issuing Trespass Notices w/c 17 January
23 April 2010			

Committee Date	Location	Infringement	Action taken and current situation
<p>23 April 2010</p> <p>21 May 2010</p>	<p>Land at OS4229 at North End, Thurlton</p>	<p>Unauthorised storage of non- agricultural items</p>	<ul style="list-style-type: none"> • Temporary Stop Notice issued on 22 April 2010 • Enforcement action authorised requiring removal of non-agricultural items and other structures and materials from the site. Authority to prosecute and reclaim costs if non-compliance not achieved • Site meeting held 26 May 2010 to discuss options for usage of land. Land owner agreed to remove abandoned vehicles in next 3 weeks. Situation being closely monitored • Land has been partially cleared but vehicles remain • Site visit to be arranged with land owner to discuss options for land usage • Further site visit required • Fencing to screen site constructed under permitted development. Vehicles and other materials remain on-site. • Site being monitored and discussions on going with other regulatory bodies • Stop Notice and Enforcement Notice served on 1 February 2011. Environment Agency investigating potential pollution from unauthorised waste storage on the site • Compliance to be achieved by 26 April 2011 • Site visit 6 May 2011 showed compliance not achieved. • Further site visit 21 June 2011 showed compliance not achieved • Prosecution papers being prepared • Section 16 Notice served 15 September 2011 as precursor to prosecution • Response to Section 16 Notice advises site cleared. Inspection proposed • Inspection on 26 October showed compliance not achieved

Committee Date	Location	Infringement	Action taken and current situation
12 October 2012			<ul style="list-style-type: none"> • Prosecution request submitted 26 October 2011 • Site visit to be undertaken pursuant to conditional caution. • Conditional Caution issued 8 March 2012 • Compliance with Conditional Caution to be checked • Meeting to be arranged with landowner to discuss compliance • Site visit took place 21 May 2012. Some clearance has occurred • Case subject of review – Report on agenda 12 October 2012 • Authority given to officers in consultation with the Solicitor to explore the feasibility of direct action for failure to comply with the requirements of the Enforcement Notice • Enforcement Notices re-served on 25 February 2013, on advice of Solicitor • Appeal against Enforcement Notice received. Hearing requested
4 November 2011	Plots 38 and 39 Crabbett's Marsh, Horning	Unauthorised Development of piling	<ul style="list-style-type: none"> • Authority given for Enforcement Notices to be served • Enforcement Notice served 18 November 2011 • 19 December 2011 meeting with landowner • Appeal submitted start date 3 February 2012 • Appeal dismissed and Enforcement Notice upheld with corrections – 13 August 2012. Compliance required by 13 October 2012 • Compliance not achieved • Authority given for prosecution 9 November 2012 • Prosecution papers filed • Court Hearing scheduled 8 May 2013

Committee Date	Location	Infringement	Action taken and current situation
17 August 2012	The Ferry Inn, Horning	Unauthorised fencing, importation of material and land-raising and the standing of a storage container.	<ul style="list-style-type: none"> • Authority to carry out any necessary Enforcement Action including the serving of Enforcement Notices subject to consultation with the Solicitor, requiring the removal of fencing, the standing of the storage container and the importation of material and land raising • Seeking voluntary compliance • Enforcement Notices served in respect of fence and storage container 26 October 2012 • Enforcement Notices withdrawn and voluntary compliance being sought. • Site to be inspected to check compliance
17 August 2012	No. 1 and No.2 Manor Farm House, Oby	Unauthorised work to a Grade II Listed building.	<ul style="list-style-type: none"> • Authority to serve a Listed Building Enforcement Notice if voluntary compliance is not achieved • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Seeking voluntary compliance • Meeting with landowner 3 October 2012 • Landowner seeking to have building de-listed • Update on de-listing progress sought from landowner
7 December 2012	The Old Grainstore, Wainford Road, Bungay	Unauthorised subdivision of property - Breach of planning permission BA/2008/0270/CU	<ul style="list-style-type: none"> • Authority to serve Enforcement Notice to secure removal of unauthorised development if voluntary compliance not achieved • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Section 330 Notices served 13 December 2012 • Responses to S330 Notices received • Negotiations with landowner over voluntary compliance • Further information sought, on advice of solicitor

Committee Date	Location	Infringement	Action taken and current situation
4 January 2013	Fleet Farm, Acle New Road, Halvergate	Unauthorised construction of stable without planning Permission.	<ul style="list-style-type: none"> • Authority to serve Enforcement Notice to secure removal of stables if voluntary compliance not achieved. • Authority to seek compliance with the Enforcement Notice through prosecution, if necessary • Section 330 Notices served • Responses received
4 January 2013	Plots 16 – 18 Woodlands way, Crabbetts Marsh, Horning	Unauthorised works to trees protected by a TPO	<ul style="list-style-type: none"> • that authorisation be granted to commence proceedings against the landowner and / or any other person responsible for felling or causing to be felled six trees protected by TPO BA/2009/0104/TPO, if in the opinion of the solicitor there is sufficient evidence available to support this action • Prosecution papers under preparation • Landowner to be interviewed
1 March 2013	Former Piggery Building adj to Heathacre, Chedgrave Common	Unauthorised conversion and change of use to residential	<ul style="list-style-type: none"> • that authority be granted to serve an Enforcement Notice, in consultation with the Solicitor, requiring the removal of the conversion of the building as a dwelling and the restoration of the site to its previous use as an agricultural building, with a compliance period of six months. • Authority to take prosecution, if necessary; • that in the event that the proposed enforcement action is outside the time limits set out in section 171B of the Town and Country Planning Act 1990, authority, in consultation with the Solicitor, given to proceed with a planning enforcement order in the Magistrates Court • Investigations underway

Committee Date	Location	Infringement	Action taken and current situation
28 March 2013	Former drainage dyke adjacent to Newlands Caravan Site	Unauthorised installation of mooring platform	<ul style="list-style-type: none"> • that authority be given for the serving of an Enforcement Notice in consultation with the solicitor, for the removal of the platform and restoration of the site, with a period of compliance of three months; and • that in the event of non-compliance, authority be given for prosecution(in consultation with the Solicitor)
28 March 2013	Freedom Boating Holidays, Horning	Unauthorised stationing and use of a number of static caravans	<ul style="list-style-type: none"> • that authority be given for the serving of an Enforcement Notice in consultation with the Solicitor requiring the removal of the caravans and the restoration of the site, with a period of compliance of three months; • that in the event of non-compliance, authority be given for prosecution

2 Financial Implications

2.1 Financial implications of pursuing individual cases are reported on a site by site basis.

Background papers: BA Enforcement files

Author: Cally Smith
Date of report: 11 April 2013

Appendices: Nil